

December 3, 2004

**Final Environmental Impact Report
for the Elmwood Residential and
Commercial Development Project
(SCH NO. 2003112102)**

CITY OF MILPITAS

 GRC REDEVELOPMENT CONSULTANTS
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**FINAL
ENVIRONMENTAL IMPACT REPORT
for the**

**Elmwood Residential and Commercial Development Project
(SCH NO. 2003112102)**

December 3, 2004

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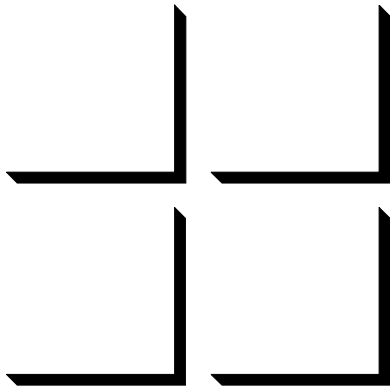
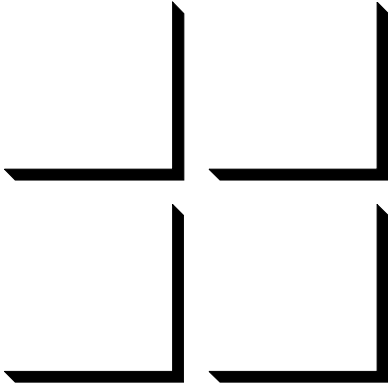


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INTRODUCTION

This document, when combined with the Draft Environmental Impact Report for the Elmwood Residential and Commercial Development Project (the “DEIR”), constitutes the Final Environmental Impact Report (the “FEIR”) for the proposed Elmwood Residential and Commercial Development Project (the “Project”).

The DEIR contains a complete description of the proposed Project, a description of existing environmental conditions in and surrounding the Project Site, a discussion of the Project’s potential environmental effects, and mitigation measures to reduce or eliminate adverse impacts. The DEIR was circulated for public review and comment between October 1, 2004 and November 15, 2004.

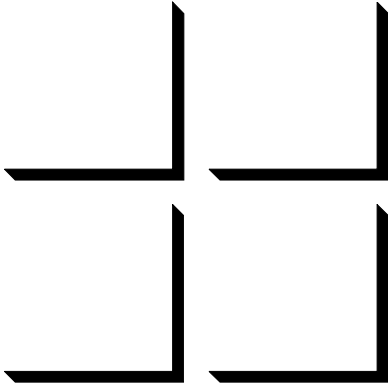
This document contains comments received on the DEIR together with the responses to those comments. The following six agencies and four individuals provided written and verbal comments on the DEIR:

1. City of Santa Jose Department of Planning, Building and Code Enforcement
2. County of Santa Clara Roads and Airports Department
3. Ginger Thompson
4. Jo Andrade-Bunnell and Janine MacArt
5. Pacific Gas and Electric Company (PG&E)
6. Santa Clara Valley Water District (SCVWD)
7. State of California Department of Transportation
8. State of California Department of Toxic Substances Control
9. Luisana Landa
10. Comments from October 20, 2004 Public Meeting

This document also describes additional information for the Project description of the DEIR for the Elmwood Residential and Commercial Development Project.

Following completion and distribution of the DEIR for public review, a few minor textual and typographical errors in the DEIR were found. These errors are corrected on the DEIR errata sheet included at the end of this document.

These additions, corrections and the responses to the comments received did not require changes to the analyses or findings of the DEIR. Therefore, the DEIR was not recirculated.



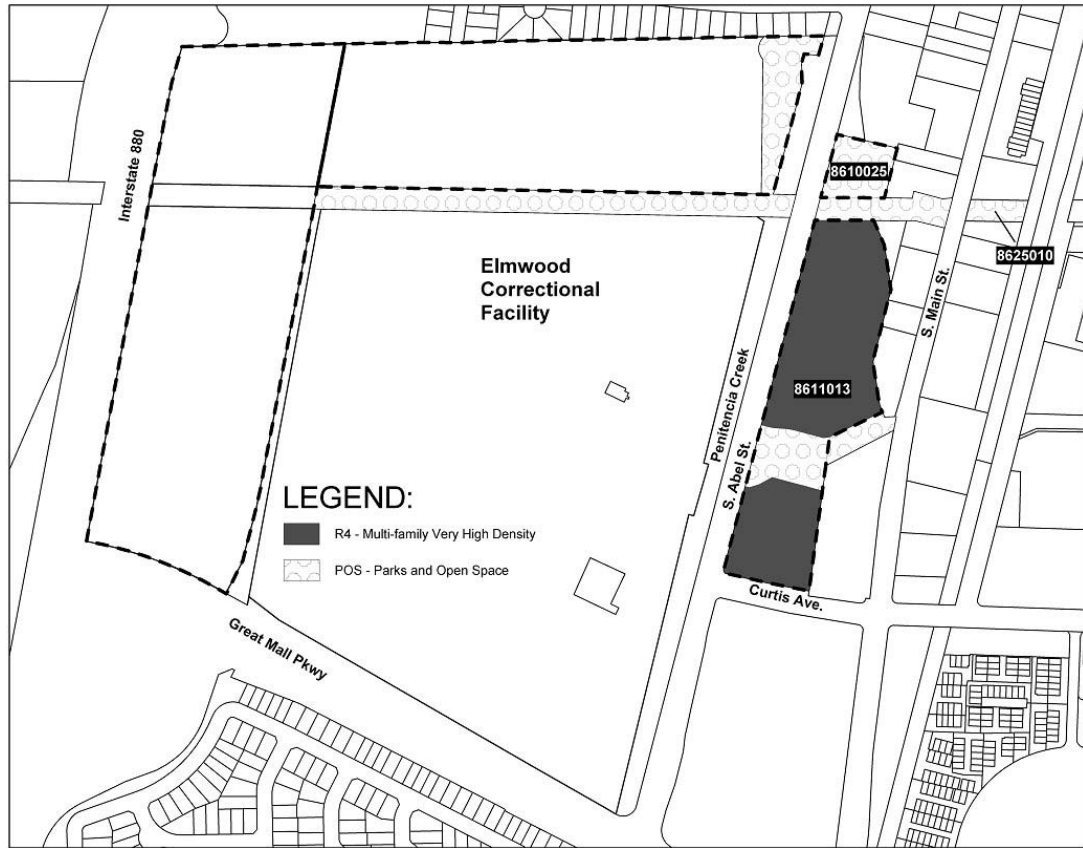
ADDITIONAL INFORMATION FOR THE PROJECT DESCRIPTION OF THE DRAFT EIR FOR THE ELMWOOD RESIDENTIAL AND COMMERCIAL DEVELOPMENT PROJECT

The following information includes minor revisions to the Project description as presented in the DEIR.

The project includes an increase in public park space to approximately 7 acres with the inclusion of parcel 086-25-010 as part of the project. This parcel is currently vacant and part of the Hetch-Hetchy right-of-way. Parcel 86-10-25, the Cracolice building site, was included in the proposed land use changes to reflect the long-term use of the site for recreational purposes. The parcel is currently designated Mixed Use and would be changed to Parks & Open Space.

More precise mapping of the land use changes was done after the release of the DEIR. This resulted in a portion of Parcel 086-11-013 being changed from Multi-Family Very High Density to Parks & Open Space, and another portion from Parks & Open Space to Multi-Family Very High Density. A portion of Parcel 086-05-003 will need to be changed from Parks & Open Space to General Commercial.

The location of the parcels and the adjusted Project Site boundaries are shown on the map below.



Per Section 15088.5 (subsection 5) of the State CEQA guidelines, this is not considered significant new information, thus, will not require re-circulation of the EIR as noted below.

1. Parcel 086-10-025. The general and specific plan amendment (GPA and SPA) and rezone will include parcel 086-10-025. Parcel 086-10-025 is approximately 1 acre and is currently being used as the temporary senior center. Other than the general plan amendment and zone change, no physical or environmental changes are proposed.
2. The GPA, SPA, and rezone on the above parcel will not have any significant impacts.
 - a. The project will not have any aesthetic impacts as the land use change will not include any physical changes to the site.
 - b. The site is currently developed with two buildings, a parking lot and landscaping, thus, there will not be any biological or agricultural impacts.

- c. The land use change will not have any hazard and hazardous material impacts as the site currently has none, and the land use change will not introduce new hazardous materials.
 - d. Because no physical modifications are proposed, there will not be any construction or land disturbances associated with the land use change, thus, there will not be any mineral resource, cultural resource, hydrology and water quality, noise, geology/soil impacts.
 - e. The land use change from mixed use to parks/recreation will require maintenance of the site, however, because it is already the site of the senior center there is already ongoing maintenance, thus it will not have an impact.
 - f. The land use change is from mixed use to parks/recreation. Because it is changing into a less intensive use (development potential minimized), it will not require or have an impact on existing public services, noise, traffic, air quality and population and housing.
 - g. The land use change will not physically separate a neighborhood, the new land use is the same as an adjacent parcel of land, and thus, it will not be a spot zone or result in any incompatibility issues.
 - h. There will be no long term or cumulative impacts, as any future development will require its own environmental analysis, which will address any impacts associated with any future project
3. Parcels 086-11-013 and 086-05-003. The general and specific plan amendment (GPA and SPA) and rezone will include parcels 086-11-013 and 086-05-003. Both parcels are currently vacant and affect approximately 0.4 acres. The changes to the sites were covered in the EIR, however, identification of these two parcels were omitted from the project description.
4. The GPA, SPA, and rezone on the above two parcels will not have any new impacts than were already identified in the Draft EIR as these two parcels were considered part of the project description, however, the project description did not identify a GPA, SPA and rezone on these parcels even though the project was designed under this premise.
5. Parcel 086-25-010. This parcel is approximately 0.4 acres and is currently vacant. Because of minimal increase in park area and because the park use is no more intensive than the current

vacant use, there is no significant impact associated with the additional park land.

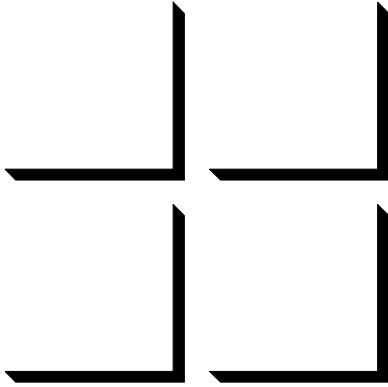
6. The above increase in public park area will not have any significant impacts.
 - a. The project will not have any aesthetic impacts as the new park area will not have any large structures on the site.
 - b. The site is currently undeveloped but has been maintained throughout the years for weed control, thus, there will not be any biological or agricultural impacts.
 - c. The increase in park space will not have any hazard and hazardous material impacts as the site currently has none, and the increase in park area will not introduce new hazardous materials.
 - d. The additional 0.4 acres is not a substantial change to the development area and will not substantially increase the Project air quality impacts. No change is required to the Project air quality mitigation.
 - e. The site contains two large underground pipes and has already been disturbed. Thus, there will not be any mineral resource, cultural resource, and geology/soil impacts.
 - f. The improvements on the site will not increase surface water runoff, as it will not create large amounts of impervious area, and will not require large amounts of grading of land, thus, there are no hydrology and water quality impacts.
 - g. Because of the minimal amount of land area less than .4 acres involved and the use of passive activities on the site, it will not require much maintenance, thus, there will not be any significant impacts.
 - h. Because the land use is not changing from its current park designation, it will not have an impact on existing public services, noise, traffic, air quality and population and housing.
 - i. The additional park area will not physically separate a neighborhood as it has always been identified as park space.
 - j. There will be no long term or cumulative impacts, as the space has always been identified as park space and the uses on the site (passive) is not anything that is above

and beyond what was originally envisioned for the site as per the General Plan.



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RESPONSES TO COMMENTS

Comment letters and responses to comments are included in this section. Each comment responded to is designated by a number in the margin. After each letter, a summary of each comment and its response is provided.



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From: Joann Lombardo To: Lynette

Date: 11/30/2004 Time: 1:45:42 PM

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CITY OF MILPITAS

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Department of Planning, Building and Code Enforcement
STEPHEN M. HAASE, AICP, DIRECTOR

November 9, 2004

Mr. Troy Fujimoto, Project Planner
City of Milpitas, Planning Division
455 East Calaveras Blvd.
Milpitas, CA 95035

SUBJECT: Draft Environmental Impact Report for Elmwood Residential/Commercial Development Project (File No. OA04-10-021)

Dear Mr. Fujimoto:

The City of San Jose (CSJ) appreciates the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the proposed Elmwood Residential and Commercial Development Project located on both sides of South Abel Street, north of the Elmwood Correctional Facility in the City of Milpitas. The project proposes to develop up to 683 new residential units on 29 acres. The proposal also includes a request to change the land use designation of 20 acres located on the west side of South Abel Street from *General Commercial* and *Parks and Open Space* to *High Density Residential*. Also included is a request to build three auto dealerships on 23 acres located along the eastern edge of I-880, north of Great Mall Parkway.

The CSJ has reviewed the Draft EIR for the project, and has the following comments. Specific questions regarding these comments may be directed to Geoff Blair, City of San Jose Environmental Services Department at (408) 382-8842.

San Jose/Santa Clara Water Pollution Control Plant (Plant) - Plant Odors

The subject property is about 1.5 miles southeast of the Plant. The Plant can be a potential source of odors. We recommend that due to the proximity to the Plant, its impact and mitigation measures be discussed and analyzed in the DEIR. Questions about potential odors can be addressed to Plant staff at (408) 945-5300.

Plant Hazardous Materials

The subject property lies within the Plant's emergency planning zone based on a computer model, worst-case release scenario of hazardous materials used at the Plant. The DEIR does not address this potential issue. Discussion of model results and other issues related to safety and chemical releases at the Plant can be found in the Plant's Risk Management Plan (RMP). Questions about possible releases and the RMP can also be addressed to Plant staff at (408) 945-5300.

From: Joann Lombardo To: Lynette

Date: 11/30/2004 Time: 1:45:42 PM

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GRC REDEVELOPMENT
CITY OF MILPITAS

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PAGE 03

Troy Fujimoto
RE: Draft EIR for Elmwood Project (File No. OA04-10-021)
November 9, 2004
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The CSJ looks forward to reviewing the Final EIR when it becomes available for review. Please provide CSJ with a copy of the complete Final EIR, including all technical reports. Please send them to my attention.

Thank you again for the opportunity to review and comment on the Draft EIR for this project. If you need to contact me, you may reach me at (408) 277-4576.

Sincerely,

Janis Moore
Planner II

JAM:jam

C: Geoffrey Blair

OA04-10-021 DEIR Milpitas Elmwood Pjct Ltr.doc/JAM

Commentator: City of Santa Jose Department of Planning, Building and Code Enforcement, Janis Moore, Planner II; in a letter dated November 9, 2004

City of Santa Jose Comment #1:

San Jose/Santa Clara Water Pollution Control Plant (Plant) – Odors...The subject property is about 1.5 miles southeast of the Plant. The Plant can be a potential source of odors. We recommend that due to the proximity to the Plant, its impact and mitigation measures be discussed and analyzed in the DEIR.

Response to City of Santa Jose #1:

In October 2003, City of Milpitas staff initiated discussions with stakeholders regarding odors affecting Milpitas residents. Participants included several potential odor sources located in San Jose, such as San Jose/Santa Clara Water Pollution Control Plant, BFI's Newby Island Landfill, Recyclery, and Compost Facility, Zanker Road Landfill and Materials Recovery sites, Calpine's Los Esteros Power Plant, and other nearby sources such as Cargill Salt Ponds, US Fish and Wildlife Service Ponds. Two regulatory agencies, Bay Area Air Quality Management District (BAAQMD) and City of San Jose Local Enforcement Agency (LEA) also participated.

The purpose of these discussions were to improve communications and reduce odor episodes to the maximum extent practicable. The City of Milpitas recognizes that several of these nearby operations involve organic materials and complete odor elimination is not possible.

Stakeholders met several times and developed an Odor Action Plan on file with the City of Milpitas. The Action Plan identifies the odor complaint process, potential odor sources and their best management practices, roles of the regulatory agencies, and possible future actions if effective odor control is not achieved.

Bay Area Air Quality Management District (BAAQMD) implemented a rapid notification system so stakeholders would be immediately notified of all complaints. Stakeholders review and modify their current operations as necessary to immediately reduce odor episodes. Some stakeholders have also employed permanent process modifications to more effectively control odors, such as installing weather stations to identify wind velocity and direction, non-mechanical back-ups, on-site relocation of processes, perform specific operations during favorable wind direction only, and use odor neutralizers. The majority of the complaints received during the past year have occurred at locations north of Calaveras Boulevard.

Consequently, significant adverse impacts to future Project residents from Plant odors are not expected.

City of Santa Jose Comment #2:

Plant Hazardous Materials...The subject property lies within the Plant's emergency planning zone based on a computer model, worst-case release scenario of hazardous materials used at the Plant. The DEIR does not address this potential issue.

Response to City of Santa Jose #2:

Although the Plant's Risk Management Plan provides for the evaluation of possible release scenarios, there have been no releases of chlorine, sulfur dioxide, or ammonia in the last live years that have resulted in deaths, injuries, or significant property damage onsite or known offsite effects. In the 27 years that these chemicals have been used onsite, the Plant has had no accidental release that has required offsite response. The Project would not include changes in circulation or land use that would increase impediments to implementation of emergency response plans, including those associated with an accidental release at the Plant. No further discussion or mitigation in the EIR related to the Plant Risk Management Plan is warranted.